

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Region 4

West Broadway, Suite 425
San Diego Beach, CA 90802-4444

(310)590-4856

N00247.000324
NTC SAN DIEGO
SSIC #5090.3

May 10, 1996

Mr. Keith Forman
Interim BRAC Environmental Coordinator
Naval Training Center-Environmental Office
33502 Decatur Road, Suite 120
San Diego, California 92133-5000

Dear Mr. Forman:

**APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS
(ARARs) FOR SITE 1, INACTIVE LANDFILL AT NAVAL TRAINING
CENTER SAN DIEGO, SAN DIEGO, CALIFORNIA**

The Department of Toxic Substances Control (DTSC) has completed collection of State ARARs for the Naval Training Center San Diego (NTC) site 1, inactive landfill. ARARs from the Department of Fish and Game, the San Diego Air Pollution Control District, and the Integrated Waste Management Board are enclosed. These ARARs were previously sent to you via fax and ARARs from the California Coastal Commission were sent to you April 26, 1996 via overnight mail. Draft ARARs from the Regional Water Quality Control Board-San Diego were faxed to you on May 2, 1996.

DTSC applicable ARARs for the site 1, inactive landfill at NTC would include those regulations found in Title 22, California Code of Regulations, Division 4.5 Environmental Health Standards for the Management of Hazardous Waste, Chapters 11, 12, and 18. These regulations govern hazardous waste control, the identification and listing of hazardous waste, standards applicable to generators of hazardous waste transfer, treatment, storage, and disposal facilities, and land disposal restrictions. They are applicable if the wastes from the site are classified as hazardous waste.



64-7829
Mr. Keith Forman
May 10, 1996
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As more details of the final remedy are made available to DTSC, additional ARARs may be sent to you. If you should have any questions regarding these ARARs, please do not hesitate to call me at 310-590-5563.

Sincerely,



Alice Gimeno
Base Closure Team
Office of Military Facilities
Southern California Operations

Enclosure

cc: Mr. Corey Walsh (w/o enclosure)
Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Boulevard, Suite B
San Diego, California 92124-1331

Mr. Martin Hausladen (w/o enclosure)
U.S. Environmental Protection Agency
Region IX, Mail Stop H-9-2
Hazardous Waste Management Division
75 Hawthorne Street
San Francisco, California 94105

Ms. Content Arnold
Southwest Division Naval Facilities Engineering Command
1220 Pacific Highway, Room 18
San Diego, California 92132-5181

Ms. Vickie Church (w/o enclosure)
Department of Environmental Health-San Diego County
Site Assessment and Mitigation
P.O. Box 85261
San Diego, California 92186-5261

Memorandum

To : Ms. Alice Gimeno
Office of Military Facilities
Department of Toxic Substances Control
245 West Broadway, Suite 350 (R4-4)
Long Beach, California 92802-4444

Date : April 3, 1996

From : Department of Fish and Game

Subject : Applicable or Relevant and Appropriate Requirements (ARARs) for the Removal Action/Capping at the Naval Training Center (NTC) San Diego Site 1 Inactive Landfill (5920/60130/NTX505 00:26)

This is in response to your fax of March 13, 1996 to Dr. Michael Martin, Staff Toxicologist, Department of Fish and Game, Monterey, requesting potential State location specific ARARs for the subject site. The Department of Fish and Game (Department) appreciates your request for providing State laws and regulations to guide the planned Removal Action/Capping at NTC Site 1.

As the lead State agency for toxic cleanup, you are making an inquiry to the Department for purposes of coordination and definition of appropriate State cleanup requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as a portion of the site remediation process. This letter will also serve to advise you of the Department's interest in coordinating any natural resource issues as one of the designated State natural resource trustees, which may be necessary should the release(s) of any hazardous materials at the subject sites affect State natural resources, pursuant to CERCLA.

We have not had the opportunity to do a site inspection of the Site 1 Inactive Landfill, however, based upon information attached to your request, Department staff identified potential actions that could affect the following State fish and wildlife resources:

- California least tern (*Sterna antillarum browni*) State Endangered, Federal Endangered
- Western snowy plover (*Charadrius alexandrinus nivosus*) Federal Threatened

The Department would like to take this opportunity to present sections of the Fish and Game Code which qualify as ARARs or "to be considereds" (TBCs) for the Site 1 Inactive Landfill due to the presence of sensitive wildlife and their habitat. Listed in the enclosed table is a complete list of Fish and Game Code sections that are possible State location-specific ARARs or TBCs. The specific citation and explanation for each listed ARAR and TBC are included. Department BRAC/IR Team staff should be included in any future ARAR related activity or for consultation on wildlife/habitat issues at this site.

Ms. Alice Gimeno
April 3, 1996
Page Two

Thank you for the opportunity to comment upon the ARARs request. If you have any questions or need additional information, please contact Mr. Scott A. Flint, Senior Biologist at (916) 684-7977 or me at (916) 653-4875.

Sincerely,

A handwritten signature in cursive script that reads "Michael Martin for".

John L. Turner, Chief
Environmental Services Division

SF:gm

Attachments

cc: Department of Fish and Game

Dr. Michael Martin
Monterey

Mr. Scott A. Flint
Elk Grove

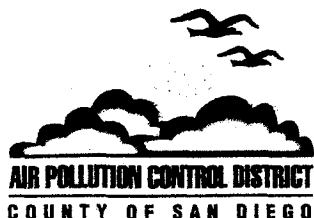
Mr. Joe Milton
Sacramento

**LOCATION SPECIFIC ARARs AND TBCs FOR
NAVAL TRAINING CENTER SAN DIEGO SITE 1, INACTIVE LANDFILL**

LOCATION	STANDARD	SPECIFIC CITATION	ARAR/TBC EXPLANATION
Wildlife species	Action must be taken to prohibit the taking of birds and mammals, including taking by poison.	Fish & Game Code section 3005	This code section prohibits the taking of birds and mammals, including taking by poison. "Taking" is defined by Fish and Game Code section 86 to include killing. "Poison" is not defined in the code but the contaminants of concern are all poisons by definition. Federal law recognizes that poison may effect an incidental taking. (Defenders of Wildlife v. Administrator, Environmental Protection Agency (1989) 882 F.2d 1295.) This code section imposes a substantive, promulgated environmental protection requirement. The California least tern is on the California and Federal endangered species lists. It and several other sensitive shorebird species inhabit NTC property. This section should be included as an ARAR.
Wildlife species/habitats	Action must be taken for the general protection and conservation of fish and wildlife resources.	Fish & Game Code section 1600	This code section declares the protection and conservation of fish and wildlife to be an important public interest. This section is a general statement of policy that does not impose a substantive requirement. This section should be included as a TBC.

**LOCATION SPECIFIC ARARS AND TBCs FOR
NAVAL TRAINING CENTER SAN DIEGO SITE 1, INACTIVE LANDFILL**

LOCATION	STANDARD	SPECIFIC CITATION	ARAR/TBC EXPLANATION
Endangered Species	Action must be taken to conserve endangered species, there can be no releases and/or actions that would have a deleterious effect on species or habitat.	Fish & Game Code section 2080	This section prohibits the taking, importation or sale of any species, or any part thereof, of an endangered species or a threatened species. The California Least Tern is on the California and Federal endangered species lists and the Department has the authority to protect these species and their habitat. This section should be included as an ARAR.
Endangered Species	Action must be taken to conserve endangered species, there can be no releases and/or actions that would have a deleterious effect on species or habitat.	Fish & Game Code sections 2090-2096	These code sections comprise article 4 of Chapter 1.5 of the California Endangered Species Act. These sections make provisions concerning Department coordination and consultation with state and federal agencies and with project applicants. These sections do not impose substantive requirements. These sections should be included as TBCs.
Rare native plants	Action must be taken to conserve native plants, there can be no releases and/or actions that would have a deleterious effect on species or habitat.	Fish & Game Code sections 2080 and 1900 et seq.	These code sections make provisions concerning native plant protection, including: criteria for determining endangered plant species; designation of endangered plants by the Fish and Game Commission; research by the Dept.; takings by the Dept. for scientific propagation purposes; other prohibitions on takings; exercise of enforcement authority; arrests and confiscation; carrying out of plant conservation programs by other state departments and agencies; an unauthorized public agency regulations pertaining to agriculture. Sections 1900, 1901, 1904, 1905, 1906, 1907, 1909, 1910, 1911, 1912, and 1913 are procedural and administrative in nature and do not impose any substantive requirements. Section 1908 imposes a substantive requirement for forbidding any "person" to take rare or endangered native plants. If rare or endangered plants are present then sections 2080 and 1908 should be included as ARARS, and the other sections are TBCs.

**Air Pollution Control Board**

Greg Cox	District 1
Dianne Jacob	District 2
Pam Slater	District 3
Ron Roberts	District 4
Bill Horn	District 5

Air Pollution Control Officer
R. J. Sommerville

April 2, 1996

MS ALICE GIMENO
DEPT OF TOXIC SUBSTANCES CONTROL
REGION 4
245 WEST BROADWAY SUITE 425
LONG BEACH CA 90802-4444

NAVAL TRAINING CENTER - SITE 1

This letter is in response to the Department of Toxic Substances Control (DTSC) request for identification of ARARs by the Air Pollution Control District (the District) for the removal action and capping at the Naval Training Center Site 1 inactive landfill.

The following summarizes the District's comments regarding ARARs.

Action Specific & Applicable Requirements

The following applicable Air Pollution Control District standards or requirements must be addressed:

Regulation II - Rules 20.1,
20.2, 20.3

New Source Review

Regulation IV - Rule 59

Control of Waste Disposal Site Emissions

Regulation IV - Rule 51

Nuisance (Health Risk)

Regulation IV - Rule 50

Visible Emissions

Also, if any excavation will take place, Rule 59(d)(9) requires that District-approved written mitigation measures be implemented. A project description will be necessary to determine these measures. However, at a minimum, the following mitigation measures must be followed:

1. The operator shall take all necessary precautions to minimize fugitive dust emissions from the site.
2. The operator shall arrange for the proper transport of excavated landfill waste to a permitted disposal facility. All exposed landfill waste shall be cleared from the site at the end of each working day.

3. The work area shall be sufficiently secured to prevent public access and exposure to any excavated materials.
4. The operator shall cease all excavation activities upon being notified by the Air Pollution Control District of significant public nuisance conditions or complaints resulting from this operation. The operator shall take actions or make modifications as directed by the Air Pollution Control District to prevent or mitigate a public nuisance due to odors or dust in conjunction with the operations associated with the project.

If you have any questions regarding this matter or require additional information, please call me at (619) 694-3209.



ROSA SALCEDO
Senior Air Pollution Control Engineer (Acting)

RS:jl

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD8800 Cal Center Drive
Sacramento, California 95826

April 25, 1996

Ms. Alice Gimeno
Project Manager
California Department of Toxic
Substances Control, Region 4
245 West Broadway, Suite 425
Sacramento, CA 95827-2106

Subject: Applicable or Relevant and Appropriate Requirements for
San Diego Naval Training Center, Inactive Landfill,
San Diego, California

Dear Ms. Gimeno:

This letter is in response to your solicitation for State Applicable or Relevant and Appropriate Requirements (ARARs), for the San Diego Naval Training Center Inactive Landfill. According to the information provided in the Extended Site Inspection, the Inactive Landfill meets the definition of Solid Waste Disposal Site pursuant to Public Resources Code Section 40122. Therefore, it is subject to the Minimum Standards for Solid Waste Handling and Disposal. A general description of these ARARs is provide below.

The California Integrated Waste Management Board (CIWMB) has the following statutory and regulatory authority:

- ▶ Statutory authority: The Integrated Waste Act of 1989, as embodied in Public Resources Code Section 40000 et seq.
- ▶ Regulatory authority: Title 14, California Code of Regulations, Division 7 California Integrated Waste Management Board.

Pursuant to Public Resources Code Sections 43021 and 43509 the CIWMB has adopted regulations that include substantive standards for the design, operation, maintenance, closure, and ultimate reuse of solid waste disposal sites. These regulations are contained in the California Code of Regulations, Title 14 (14 CCR), Division 7 California Integrated Waste Management Board, Chapter 3 Minimum Standards for Solid Waste Handling and Disposal, Article 7.1-7.8 Disposal Site Standards.

The enclosed table provides 14 CCR ARARs for closure, postclosure maintenance and reuse of solid waste disposal sites. These ARARs are being submitted pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 121(d) and the National Contingency Plan.

Mr. Adams
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If you have any questions or changes regarding ARAR determination or substantive requirements, please contact me at (916) 255-1197 prior to forwarding to the Navy, so that the CIWMB can assure consistent application of its requirements throughout California.

Sincerely,



Tamara Zielinski
Waste Management Engineer
Closure and Remediation Branch
Permitting and Enforcement Division

Enclosure: State ARARs for Solid Waste Disposal Sites
 Closure and Postclosure Maintenance

State ARARs for Solid Waste Disposal Site Closure and Postclosure Maintenance

Source	Standard, Requirement, Criterion, or Limitation	ARAR Status	Description	Comment	Associated Site
California Integrated Waste Management Act of 1989 PRC 40502 & 43020	14 CCR 17766 Chapter 3, Article 7.8 Disposal Site Closure and Postclosure Maintenance	Applicable	Emergency Response Plan (ERP): potential emergency conditions that may exceed the design of the site and could endanger the public health or environment must be anticipated. Response procedures for these conditions must be addressed in the RD/RA plans.	Closure or Postclosure Maintenance Standard of Title 14, CCR, Chapter 3, Article 7.8. Scope and Applicability pursuant to 14 CCR 17760.	For closing sites
California Integrated Waste Management Act of 1989 PRC 40502 & 43020	14 CCR 17767 Chapter 3, Article 7.8 Disposal Site Closure and Postclosure Maintenance	Applicable	Security at Closed Sites: all points of access to the site must be restricted, except permitted entry points. All monitoring, control, and recovery systems shall be protected from unauthorized access.	Closure or Postclosure Maintenance Standard of Title 14, CCR, Chapter 3, Article 7.8. Scope and Applicability pursuant to 14 CCR 17760.	For closing sites
California Integrated Waste Management Act of 1989 PRC 40502 & 43020	14 CCR 17773 Chapter 3, Article 7.8 Disposal Site Closure and Postclosure Maintenance	Applicable	Final Cover: the design and construction of the final cover must meet specific prescriptive standards of 23 CCR 2581(a). These include minimum thickness and quality of the construction material. If the prescriptive standard is not feasible then an engineered alternative that meets the performance goals (i.e. limiting infiltration, controlling gas emissions, compatibility with reuse) can be proposed.	Closure or Postclosure Maintenance Standard of Title 14, CCR, Chapter 3, Article 7.8. Scope and Applicability pursuant to 14 CCR 17760.	For closing sites
California Integrated Waste Management Act of 1989 PRC 40502 & 43020	14 CCR 17774 Chapter 3, Article 7.8 Disposal Site Closure and Postclosure Maintenance	Applicable	Construction Quality Assurance (CQA): a CQA program must be designed and implemented. It must include specific parameters (and for some components specific testing methods) for each component of the final cover.	Closure or Postclosure Maintenance Standard of Title 14, CCR, Chapter 3, Article 7.8. Scope and Applicability pursuant to 14 CCR 17760.	For closing sites
California Integrated Waste Management Act of 1989 PRC 40502 & 43020	14 CCR 17776 Chapter 3, Article 7.8 Disposal Site Closure and Postclosure Maintenance	Applicable	Final Grades: the final grades for the covered landfill must meet grading standards provided in 23 CCR 2581, they must be appropriate to control runoff and erosion.	Closure or Postclosure Maintenance Standard of Title 14, CCR, Chapter 3, Article 7.8. Scope and Applicability pursuant to 14 CCR 17760.	For closing sites

State ARARs for Solid Waste Disposal Site Closure and Postclosure Maintenance

Source	Standard, Requirement, Criterion, or Limitation	ARAR Status	Description	Comment	Associated Site
California Integrated Waste Management Act of 1989 PRC 40502 & 43020	14 CCR 17777 Chapter 3, Article 7.8 Disposal Site Closure and Postclosure Maintenance	Applicable	Final Site Face: the design of the final site face must provide for the integrity of the final cover both under static and dynamic conditions.	Closure or Postclosure Maintenance Standard of Title 14, CCR, Chapter 3, Article 7.8. Scope and Applicability pursuant to 14 CCR 17760.	For closing sites
California Integrated Waste Management Act of 1989 PRC 40502 & 43020	14 CCR 17778 Chapter 3, Article 7.8 Disposal Site Closure and Postclosure Maintenance	Applicable	Final Drainage: the design of the final cover must control runoff and runoff produced by a 100 year 24 hour storm event and must be prepared according to CQA requirements.	Closure or Postclosure Maintenance Standard of Title 14, CCR, Chapter 3, Article 7.8. Scope and Applicability pursuant to 14 CCR 17760.	For closing sites
California Integrated Waste Management Act of 1989 PRC 40502 & 43020	14 CCR 17779 Chapter 3, Article 7.8 Disposal Site Closure and Postclosure Maintenance	Applicable	Slope Protection and Erosion Control: the design and construction of the slopes must protect the integrity of the final cover and minimize soil erosion.	Closure or Postclosure Maintenance Standard of Title 14, CCR, Chapter 3, Article 7.8. Scope and Applicability pursuant to 14 CCR 17760.	For closing sites
California Integrated Waste Management Act of 1989 PRC 40502 & 43020	14 CCR 17781 Chapter 3, Article 7.8 Disposal Site Closure and Postclosure Maintenance	Applicable	Leachate Control During Closure and Post Closure: leachate must be monitored, collected, treated, and discarded appropriately.	Closure or Postclosure Maintenance Standard of Title 14, CCR, Chapter 3, Article 7.8. Scope and Applicability pursuant to 14 CCR 17760. The state does not intend that subsurface leachate monitoring and collecting systems need to be added to existing landfills unless leachate production and/or accumulation is evident.	For closing sites
California Integrated Waste Management Act of 1989 PRC 40502 & 43020	14 CCR 17783 Chapter 3, Article 7.8 Disposal Site Closure and Postclosure Maintenance	Applicable	Gas Monitoring and Control During Closure and Post Closure: landfill gases must be collected and analyzed; the concentration of combustible gas at the landfill boundary must be 5% or less, trace gases must not be at levels that cause adverse health or environmental impacts.	Closure or Postclosure Maintenance Standard of Title 14, CCR, Chapter 3, Article 7.8. Scope and Applicability pursuant to 14 CCR 17760.	For closing sites

State ARARs for Solid Waste Disposal Site Closure and Postclosure Maintenance

Source	Standard, Requirement, Criterion, or Limitation	ARAR Status	Description	Comment	Associated Site
California Integrated Waste Management Act of 1989 PRC 40502 & 43020	14 CCR 17788 Chapter 3, Article 7.8 Disposal Site Closure and Postclosure Maintenance	Applicable	Post Closure Maintenance: the landfill must be maintained and monitored for no less than 30 years following closure.	Closure or Postclosure Maintenance Standard of Title 14, CCR, Chapter 3, Article 7.8. Scope and Applicability pursuant to 14 CCR 17760.	For closing sites
California Integrated Waste Management Act of 1989 PRC 40502 & 43020	14 CCR 17796 Chapter 3, Article 7.8 Disposal Site Closure and Postclosure Maintenance	Applicable	Post Closure Land Use: Site Closure Design shall show one or more proposed uses of the closed site or show development that is compatible with open space. Changes in postclosure land use must be approved by the appropriate State agency prior to implementation.	Closure or Postclosure Maintenance Standard of Title 14, CCR, Chapter 3, Article 7.8. Scope and Applicability pursuant to 14 CCR 17760.	For closing sites
California Integrated Waste Management Act of 1989 PRC 40502 & 43509	14 CCR 18262.3 Chapter 5, Article 3.4 Closure and Postclosure Maintenance Plans	Relevant and Appropriate	Provides the content requirements for closure plans for solid waste disposal sites.	Applies to solid waste disposal sites that received waste after January 1, 1988.	For closing sites
California Integrated Waste Management Act of 1989 PRC 40502 & 43509	14 CCR 18265.3 Chapter 5, Article 3.4 Closure and Postclosure Maintenance Plans	Relevant and Appropriate	Provides the content requirements for postclosure maintenance plans for solid waste disposal sites.	Applies to solid waste disposal sites that received waste after January 1, 1988.	For closing sites
California Integrated Waste Management Act of 1989 PRC 40502 & 43509	14 CCR 18275 Chapter 5, Article 3.4 Postclosure Maintenance Plans	Relevant and Appropriate	Provides the content requirements to obtain certification that the solid waste disposal sites has closed pursuant to state standards.	Applies to solid waste disposal sites that received waste after January 1, 1988.	For closing sites

14 CCR - California Code of Regulations, Title 14

ARAR - applicable or relevant and appropriate requirement

ROD - Record of Decision

RD/RA - remedial design/remedial action